

PTO 88/26 (08-03)

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**TERMINAL DISCLAIMER TO OBLIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)
4320-347

In re Application of: COTE et al.

Application No. 09/916,247

Filed: July 30, 2001

For: CHEMICAL CLEANING BACKWASH FOR NORMALLY IMMERSED MEMBRANES

The owner, ZENON Environmental Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,303,035. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a re-examination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney of record.

Signature

Date

Pierre Lucien Cote, Chief Technology Officer,
Zenon Environmental Inc.

Typed or printed name

(805) 485-3030

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to the (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/08 (05-03)

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: COTE et al.Application No./Patent No.: 09/916,247Filed/Issue Date: July 30, 2001Entitled: CHEMICAL CLEANING BACKWASH FOR NORMALLY IMMERSED MEMBRANESZanon Environmental Inc.a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title, and interest

The extent (by percentage) of its ownership interest is %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.6.]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

January 21st, 2004

Date

(905) 465-3030

Telephone Number

Plante Lucien Cote

Typed or printed name

[Signature]

Signature

Chief Technology Officer,
Zanon Environmental Inc.

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including preparing, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**UNITED STATES
ASSIGNMENT**

WHEREAS WE, PIERRE LUCIEN COTE, HAMID R. RABIE, NICHOLAS ADAMS, HIDAYAT HUSAIN, HENRY BEHMANN, STEVEN KRISTIAN PEDERSEN and JASON CADERA, whose full post office addresses are 26 Tally-Ho Drive, Dundas, Ontario L9H 3M6, Canada; 2665 Thomas Street, Unit 33, Mississauga, Ontario L5M 6G4, Canada; 37 Kipling Road, Hamilton, Ontario L8S 3X2, Canada; 88 Porteous Circle, Brampton, Ontario L6S 5C5, Canada; RR #1, Puslinch, Ontario N0B 2J0, Canada; 498 Rothesay Place, Burlington, Ontario L7N 3E2, Canada; and, 25 Camm Crescent, Guelph, Ontario N1L 1K2, Canada, have invented certain new and useful improvements in an invention entitled **CHEMICAL CLEANING BACKWASH FOR NORMALLY IMMERSSED MEMBRANES** for which an application for United States Letters Patent was filed on July 30, 2001 as serial No. 09/916,247.

AND WHEREAS, Zenon Environmental Inc., a corporation of Ontario, of 3239 Dundas Street West, Oakville, Ontario L6M 4B2, Canada, has acquired from us the whole right, title and interest for the United States of America and all other countries in and to the said invention and in and to any Letters Patent that may be obtained therefor, and in and to said application.

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of all of which is hereby acknowledged, we, PIERRE LUCIEN COTE, HAMID R. RABIE, NICHOLAS ADAMS, HIDAYAT HUSAIN, HENRY BEHMANN, STEVEN KRISTIAN PEDERSEN and JASON CADERA, by these presents confirm that we have sold, assigned and transferred and do hereby sell, assign and transfer unto the said Zenon Environmental Inc., the full and exclusive right to the said invention in the United States of America and all other countries and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor, and the entire right, title and interest in and to said application, and in and to any divisions, continuations, continuations-in-part and extensions of said application, together with the right to claim the benefit of the right of priority provided by the International Convention for

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the Protection of Industrial Property based on said application for United States Letter Patent.


We agree that we will without further consideration do all such things and execute all such documents as may be necessary or desirable to obtain and maintain patents for said invention and for additions and modifications thereto in any and all countries, and to vest title thereto in said assignee, its successors, assigns and legal representatives or nominees.

We hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said Zenon Environmental Inc., the assignee of the entire right, title and interest in and to the same, for its sole use and benefit, and for the use and benefit of its successors and assigns, to the full end of the term for which Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made.

The undersigned hereby grant(s) the firm of Bereskin & Parr (Box 401, 40 King Street West, Toronto, Ontario, Canada M5H 3Y2) the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

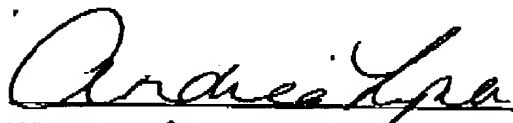
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SIGNED this 20th day of January, 2004, at Oakville, ON


Witness PATRICIA RUIZ


PIERRE LUCIEN COTE


SIGNED this 19th day of January, 2004, at Burlington


Witness ANDREA LYNCH.

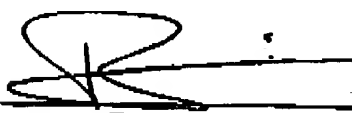

HAMID R. RABIE


SIGNED this 20th day of January, 2004, at Oakville, ON


Witness PATRICIA RUIZ


NICHOLAS ADAMS

SIGNED this 20th day of January, 2004, at Oakville, ON


Witness PATRICIA RUIZ


HIDAYAT HUSAIN

SIGNED this 20th day of January, 2004, at Oakville, ON


Witness Patricia Ruiz


HENRY BEHMANN

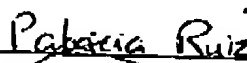
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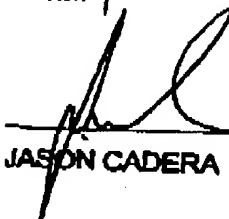
SIGNED this 20th day of January, 2004, at Oakville, ON


Witness PATRICIA Ruiz


STEVEN KRISTIAN PEDERSEN

SIGNED this 19th day of January, 2004, at Oakville, ON


Witness PATRICIA Ruiz


JASON CADERA